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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

RIMELL, SAMUEL G

ART UNIT	PAPER NUMBER
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2164

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 09/746,557	Applicant(s) HASCHART ET AL.	
	Examiner Sam Rimell	Art Unit 2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/29/06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 126-147 and 158-176 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 126-134, 136-147 and 158-176 is/are rejected.
- 7) ☒ Claim(s) 135 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.



**SAM RIMELL
PRIMARY EXAMINER**

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Preliminary Note: The office action of May 31, 2005 is vacated. This office action is made non-final. Claims 126-147 and 158-176 are examined on the merits herein.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 126-134, 136-147, 167- 172 and 175 are rejected under 35 U.S.C. 102(a) as being anticipated by “Computer Assisted Legal Research *UnPlugged: The User-Friendly Guide to LEXIS-NEXIS and WESTLAW*” by Adam J. Piacente, (copyright 1995-1997), hereafter referred to as Piacente.

Claim 126: Reference is made to pages 330-339 of Piacente. The Lexis-Nexis system is a database which includes legal documents.

Pages 329-330 are first data windows displaying portions of a legal document (a court decision, *Wagner v. Kepler*) which contains citation to other legal documents (other court decisions, such as *Lasko v. Meier* in top left corner of page 330).

A first control interface (two rows of radio buttons at the top of the screen) exists adjacent the data window. A first user selectable means (the “Shep” radio button and Shepard’s pop-up box at page 331) will activate indications of legal authority on a second interface screen as shown on page 334.

Claim 127: Computer interfaces are inherently driven by coded segments on computer readable media.

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Claim 128: The second interface screen is shown on page 334. The second data window is the lower half of the screen below the dashed line. This data window displays citations to other legal documents (court cases) that reference (see “ 85 citing references” on page 332) the first legal document (the court case on page 329, *Wagner v. Kepler*).

The second control interface is the upper half of the window above the dashed line. The links <=1> and <=2> are second user selectable means that control both the number and type of references by restricting the resulting references or showing only negative references. A third user selectable means <=4> invokes a help screen, which is a third interface screen.

Claim 129: See remarks for claim 127.

Claim 130: The second control interface (page 334, upper half of window) provides a visual indication of the number of citations in the second data window (“85 citing references”).

Claim 131: The list of cases in the second data window on page 334 are documents (cases) for other judicial decisions relating to the same case (the court case on page 329, *Wagner v. Kepler*).

Claim 132: The cases listed in the second data window on page 334 include treatment labels “same case” or “dissenting opinion”.

Claim 133: The cases listed in the second data window on page 334 include quotation indicators, such as “p.61” and “Headnote: 1” indicating where the first case (the court case on page 329, *Wagner v. Kepler*) is quoted.

Claim 134: The label “same case” on the first citation on page 334 provides a depth of treatment indicating the significance of the citation to the first legal document (*Wagner v. Kepler*). This indicates that the citation and first legal document are one and the same.

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Claim 136: See remarks for claim 127.

Claim 137: The data window displaying first legal document is the data window on page 329. The first user selection means are the “Shep” radio button (pages 329-330) and Shepard’s pop-up window (page 331) to display citation to other legal documents that reference the first document (page 334, lower half of window). Second user selection means ≤ 1 and ≤ 2 in the upper half of the interface on page 334 are user selections that affect the number and type of citations.

Claim 138: See remarks for claim 130.

Claim 139: See remarks for claim 132 (a treatment label is also a treatment indicator).

Claim 140: See remarks for claim 133.

Claim 141: See remarks for claim 134.

Claim 142: See remarks for claim 127.

Claim 143: Lexis-Nexis is a database of legal documents. Page 332 illustrates a data window (above the dashed line on page 332) displaying portions of a legal document (*Wagner v. Kepler*). The case *Wagner v. Kepler* cites other legal documents (other court cases, as seen on page 330). Indicators are provided below the dashed line ≤ 1 , ≤ 2 , ≤ 3 , etc. which indicate how other documents treat the legal reasoning in the first document.

Claim 144: The indicators (below the dashed line on page 332) are adjacent the data window (above the dashed line on page 332).

Claim 145: Each indicator inherently exists in a color. A first indicator ≤ 1 inherently exists in a first color and a second indicator ≤ 2 inherently exists in a second color. The two

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colors can be the same, as the claim make no requirement that the two colors be actually different from each other.

Claim 146: The indicators are user selectable and invoke the creation of new screens, such as the screen shown on page 334, which cite other legal documents referencing the first legal document (the *Wagner v. Kepler* case).

Claim 147: See remarks for claim 143.

Claim 167: Lexis-Nexis is an on-line access system. Pages 329-330 illustrate access to a first legal opinion (*Wagner v. Kepler*). Page 334 is a user interface providing graphical interface features in the form of user selectable icons such as the radio button “Shep”. All of the icons inherently exist a certain color.

Claim 168: The user selectable icon “Shep” is adjacent to the citation of opinion on page 329.

Claim 169: The user selectable icon “Shep” on page 329 is adjacent to a window displaying text of the first legal opinion.

Claim 170: Activating the “Shep” radio button produces user selections leading to interface of page 334. Here, the first legal opinion (*Wagner v. Kepler*) is precedent for the other cited legal opinions which follow.

Claim 171: Page 334 provides a list of second legal opinions that reference the first legal opinion.

Claim 172: See remarks for claim 134.

Claim 175: On-line access to cases are provided in response to search queries (instructions page 329).

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 158-166, 173-174 and 176 are rejected under 35 U.S.C. 103(a) as being unpatentable over Piacente in view of Official Notice.

Claim 158: On page 332, the upper portion of the interface above the dashed line is a region which displays a first citation (*Wagner v. Kepler*). Indicators are provided below the dashed line (<=1>, <=2>, <=3>, etc.) to respond to user selection (see the "Note" on page 333) to display related cases. The indicators inherently exist in a certain color. The indicators are hyperlinks.

Piacente differs in that the indicators are not color coded. Examiner takes Official Notice that it was well known in the art at the time of invention to color code hyperlinks on computer graphical displays to make it easier for a user to visually distinguish the hyperlinks from non-linked text.

Accordingly, it would have been obvious to one of ordinary skill in the art to modify the indicators of Piacente (which are in fact hyperlinks, see "Note" on page 333) to be color coded to visually distinguish them from non-linked text, as is well known in the art.

Claim 159: Clicking the links on page 332 leads to new interfaces, such as that of page 334 which contain a list of cases that reference the first case.

Claim 160: See remarks for claim 134.

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Claim 161: Forming the indicators in any known color would have been obvious to one of ordinary skill in the art as a choice of design.

Claim 162: See remarks for claim 159.

Claims 163-164: Forming the indicators in any known color would have been obvious to one of ordinary skill in the art as a choice of design.

Claim 165: See display of legal opinions on page 334.

Claim 166: See remarks for claim 134.

Claims 173-174: See remarks for claim 161.

Claim 176: The indicators include the ">" character which resembles a flag.

Claim 135 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (571) 272-4084.



Sam Rimell
Primary Examiner
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